

DEPARTMENT OF HEALTH CARE FINANCE**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program and for other purposes approved December 27, 1967 (81 Stat. 774; D. C. Official Code, §1-307.02) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)) hereby gives notice of the intent to adopt an amendment to Section 922 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled “Methods for Determining Costs of Prescribed Multiple Source Drugs” and section 925.99 of Title 29 DCMR entitled “Definitions”.

These proposed rules will establish a Maximum Allowable Cost (MAC) program for prescription drugs covered by the Medicaid program. The MAC program is a payment mechanism designed to standardize the reimbursement rates for multi-source drugs, when there are at least two drugs in the therapeutic category. The MAC rate will be the maximum amount the District will reimburse a pharmacy for affected multi-source drugs. Implementation of the MAC standardizes the rate of reimbursement to pharmacies, thus encouraging pharmacies to obtain the lower priced multi-source drug for dispensing purposes. Medicaid state agencies have adopted MAC programs as a best practice initiative to contain the increasing cost of prescription drugs needed by Medicaid recipients. The MAC program will work together with the Preferred Drug List to help DHCF to obtain the lowest price for prescription drugs, consistent with quality of care standards. DHCF estimates savings from the new MAC of \$500,000 for fiscal year 2010.

To ensure compliance with federal law, DHCF has amended the District of Columbia State Plan for Medical Assistance (State Plan) to reflect these changes. The Council of the District of Columbia (Council) approved the resolution to request a State Plan Amendment creating a MAC program through PR 16-786 on August 11, 2006. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), approved the corresponding State Plan Amendment on August 19, 2009.

The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (Public Welfare) is amended as follows:

Section 922 (Methods for Determining Costs of Prescribed Multiple Source Drugs) of Chapter 9 of Title 29 DCMR is deleted in its entirety and replaced to read as follows:

Section 922 METHODS FOR DETERMINING COSTS OF PRESCRIBED MULTIPLE SOURCE DRUGS.

- 922.1 The allowable cost for multiple source drugs designated by the Centers for Medicare and Medicaid Services (CMS) and included in its listing shall be the lower of the following:
- (a) The Federal Upper Limit (FUL) for multiple source drugs other than those brand name drugs for which a prescriber has certified in writing as "Medically Necessary" or Brand Necessary;" or
 - (b) The Maximum Allowable Cost (MAC) established pursuant to §§ 922.3 and 922.4 of these rules.
- 992.2 The Department of Health Care Finance (DHCF) shall restrict payment to only those drugs supplied from manufacturers that have signed a national agreement, or have an approved existing agreement, as specified in Section 1927(a) if Title XIX of the Social Security Act.
- 922.3 The MAC may be established for any drug when two (2) or more A-rated therapeutically equivalent, multiple source drugs with a significant cost difference exist.
- 922.4 The MAC for a drug shall be determined by:
- (a) Using comparable drug prices obtained from multiple nationally recognized comprehensive data sources including, but not limited to pharmacy providers, wholesalers, drug file vendors and pharmaceutical manufacturers; and
 - (b) Reviewing the Average Wholesale Price and the Wholesale Acquisition Cost and applying necessary multipliers to ensure reasonable access by providers to the drug at or below the MAC rate.
- 922.5 The CMS upper limit for a drug price and the MAC shall not apply if a physician certifies in his or her own handwriting that a specific brand is medically necessary for a particular patient.
- 922.6 The handwritten phrase "Medically Necessary" or "Brand Necessary" shall appear on the face of the prescription form. If the prescription is for a nursing facility beneficiary a handwritten phrase "Medically Necessary" or "Brand Necessary" shall be documented in the beneficiary's medical record accompanied by a copy of the physician's order and plan of care.
- 922.7 Neither a dual line prescription form, check-off box on the prescription form, nor check off-box on the physician's orders and plan of care shall satisfy the certification requirement.

- 992.8 DHCF shall supplement the CMS listing by adding drugs and their prices which meet the following requirements:
- (a) The formulation of the drug approved by the U.S. Food and Drug Administration (FDA) has been evaluated as therapeutically equivalent in the most current edition of its publication, Approved Drug Products with Therapeutic Equivalence Evaluations (including supplements or in successor publications); and
 - (b) At least two (2) suppliers list the drug (which has been classified by the FDA as category “A” in its publication, Approved Drug Products with Therapeutic Equivalence Evaluations (including supplements or in successor publications) based on listing of drugs which are locally available.
- 922.10 A pharmacy provider may identify MAC rates by visiting the District’s PBM website at www.dcpbm.com.

Add the following definition to Section 925.99:

925.99 DEFINITIONS

Department of Health Care Finance - the executive department responsible for administering the Medicaid program within the District of Columbia effective October 1, 2008.

DHCF – Department of Health Care Finance.

FUL – the Federal Upper Limit established by CMS.

Multiple source drug – a drug marketed or sold by two (2) or more manufacturers or labelers.

PBM – Pharmacy Benefits Manager

Prescribed drugs – Legend drugs approved as safe and effective by the U.S. Food and Drug Administration and those over-the-counter medications which fall into the following categories:

- (a) Oral analgesics with a single active ingredient (i.e., aspirin, acetaminophen, ibuprofen, etc.);
- (b) Ferrous salts (sulfate, gluconate, etc.);
- (c) Antacids with up to three active ingredients, (i.e., Aluminum, magnesium, bismuth, etc.);
- (d) Diabetic preparations (e.g., Insulin, syringes, etc.);
- (e) Pediatric, prenatal and geriatric vitamin formulations;

- (f) Family planning drugs and supplies; and
- (g) Senna extract, single dose preparations when required for diagnostic radiological procedures performed under the supervision of a physician.

Delete the current definitions from Section 925.99:

925.99 DEFINITIONS

Department of Health, Medical Assistance Administration – the administration within the Department of Health responsible for administering the Medicaid program within the District of Columbia until October 1, 2008.

Multiple source drug – a drug marketed or sold by three (3) or more manufacturers or labelers, or a drug marketed or sold by the same manufacturer, or labeler under two (2) or more different proprietary names or both under a proprietary name and without such a name.

Prescribed drugs – Legend drugs approved as safe and effective by the U.S. Food and Drug Administration and those over-the-counter medications which fall into the following categories:

- (a) Oral analgesics with a single active ingredient (i.e., aspirin, acetaminophen, ibuprofen, etc.);
- (b) Ferrous salts (sulfate, gluconate, etc.);
- (c) Antacids with up to three active ingredients, (i.e., Aluminum, magnesium, bismuth, etc.);
- (d) Diabetic preparations;
- (e) Pediatric, prenatal and geriatric vitamin formulations;
- (f) Family planning drugs and supplies;
- (g) Senna extract, single dose preparations when required for diagnostic radiological procedures performed under the supervision of a physician; and
- (h) Over the counter non-sedating antihistamines.

Persons desiring to comment on these proposed rules should submit comments in writing within thirty (30) days of publication of this notice in the *D.C. Register* to John McCarthy, Deputy Director, the Department of Health Care Finance, 825 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of these proposed rules and related information may be obtained between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, at the address stated above.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with sections 951 through 958 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.51 et seq.) (2006 Repl.), hereby gives notice of the intent to adopt the following rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. **The main purpose of this rulemaking notice is to amend section 3809 on placement by reassignment or demotion, of Chapter 38, Management Supervisory Service, of Title 6 of the District of Columbia Municipal Regulations (DCMR).** Specifically, section 3809, *Placement by Reassignment or Demotion*, is being amended to clarify the language in subsections 3809.1 through 3809.3, and add a new subsection 3809.8 to provide that a Management Supervisory Service employee may be reassigned or demoted non-competitively from one subordinate agency to another subordinate agency, in addition to a reassignment or demotion within the employing agency and provide the criteria for such reassignments and demotions. Additionally, section 3807 on competitive and non-competitive placement, is being amended; non-substantive changes are being made to sections 3800.1, 3800.2, 3801.1, 3804.1, 3808.3, 3810.1, 3812.1, 3813.3; and section 1199, *Definitions*, is being amended to add the definition of the term "*demotion*;" make a non-substantive change to the definition of the terms "*personnel authority*" and "*reassignment*;" and add the definition of the term "*transfer*." Upon adoption, these rules will amend Chapter 38, Management Supervisory Service, of Title 6 of the DCMR, published at 48 DCR 2812 (March 30, 2001) and amended at 50 DCR 7747 (September 12, 2003), 51 DCR 9707 (October 15, 2004), 52 DCR 1314 (February 11, 2005), 52 DCR 1913 (February 25, 2005 – Errata Notice), 52 DCR 6840 (July 22, 2005), 54 DCR 4186 (May 4, 2007), 55 DCR 7974 (July 25, 2008), 56 DCR 002169 (March 13, 2009 – Errata Notice), and 56 DCR 002724 (April 10, 2009).

CHAPTER 38**MANAGEMENT SUPERVISORY SERVICE**

Chapter 38, Management Supervisory Service, of Title 6 of the District of Columbia Municipal Regulations is amended as follows:

Non-substantive changes are made to sections 3800.1, 3800.2, and 3800.3:

3800 POLICY

3800.1 Pursuant to section 951 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3,

1979 (D.C. Law 2-139; D.C. Official Code § 1-609.51), the Management Supervisory Service is established within the District government to ensure that each agency has the highest quality of managers and supervisors who are responsive to the needs of the government.

- 3800.2 This chapter applies to all appointments to the Management Supervisory Service under the authority of sections 951 through 958 of the CMPA (D.C. Official Code § 1-609.51 *et seq.*).
- 3800.3 In accordance with section 954 of the CMPA (D.C. Official Code § 1-609.54), an appointment to the Management Supervisory Service is an at-will appointment.

A non-substantive change is made to section 3801.1:

- 3801.1 The Management Supervisory Service consists of all employees who meet the definition of “management employee” in section 1411(5) of the CMPA (D.C. Official Code § 1-614.11 (5)), that is, employees whose functions include responsibility for project management and supervision of staff and the achievement of the project’s overall goals and objectives.

A non-substantive change is made to section 3804.1:

- 3804.1 In accordance with section 953 of the CMPA (D.C. Official Code § 1-609.53), all appointments to the Management Supervisory Service, except as specifically limited in this chapter, shall be by open competition on the basis of merit by selection from the highest qualified applicants, based on specific job requirements with appropriate regard for affirmative action goals as provided by law and as determined under this chapter.

Section 3807 is amended as follows:

3807 COMPETITIVE AND NON-COMPETITIVE PLACEMENT

A non-substantive change is made to section 3807.1:

- 3807.1 Except as otherwise provided in this chapter, competitive procedures shall apply to all initial appointments to the Management Supervisory Service, and subsequent assignments and placements to positions within the Management Supervisory Service, as follows:
- (a) Promotions;
 - (b) Temporary promotions exceeding one hundred twenty (120) days;
 - (c) Selection for a detail for more than two hundred forty (240) days to a

position at a higher grade or to a position at the same grade level with known promotion potential; and

- (d) Selection for a position, including by reassignment or demotion, with more promotion potential than the last grade held under a Management Supervisory Service competitive appointment.

3807.2 Competitive procedures shall not apply to the following actions within the Management Supervisory Service:

- (a) The following types of Management Supervisory Service promotions:
 - (1) A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
 - (2) A promotion resulting from an employee's position being reclassified at a higher grade because of accretion of additional duties and responsibilities without planned management action;
 - (3) A career ladder promotion if the original competition for the position clearly established the career ladder; or
 - (4) A temporary promotion under this chapter for a period of one hundred twenty (120) days or less.

Subsection 3807.2 (b) is amended to read as follows:

- (b) An indefinite reassignment or transfer to a position of the same grade with no known promotion potential or with no greater promotion potential than the position previously held;
- (c) A temporary reassignment for a period of one hundred twenty (120) days or less;
- (d) A reassignment or demotion pursuant to section 3809 of this chapter;
- (e) Consideration of a candidate not given proper consideration in a competitive promotion action; or promotion of an employee who was denied promotion as a result of other error, on order of the D.C. Department of Human Resources or independent personnel authority;
- (f) A detail of two hundred forty (240) days or less to a position at a higher grade or to a position with known promotion potential; and

- (g) Temporary Appointments Pending the Establishment of Registers (TAPER).

Subsection 3807.3 (a) is renumbered as section 3807.3 and non-substantive changes are made to the text:

- 3807.3 While this chapter does not include time-in-grade requirements or restrictions for promotion to or within the Management Supervisory Service (MSS) that would prevent a MSS employee from advancing to a higher grade position before serving at the lower grade for at least one (1) year, agencies must exercise discretion concerning any such promotions, and consider establishing internal controls and procedures to handle such promotions, with regard to equity and reasonableness.

Subsection 3807.3 (b) is renumbered as section 3807.4 and non-substantive changes are made to the text:

- 3807.4 The following criteria shall be followed when considering promoting an employee to or within the Management Supervisory Service when the employee meets the qualifications requirements for the higher grade position but has served at the lower grade level for less than one (1) year. Under such circumstances, consideration shall be given to the following:
- (a) The employee's total work history;
 - (b) The employee's education, superior academic credentials, or superior academic achievements;
 - (c) Any work performed by the employee that is related to the higher grade position and at a level at least commensurate (equivalent) to the higher grade position;
 - (d) Any negative impact that an action to advance an employee who has not served at the lower grade level for at least one (1) year may have on other agency Management Supervisory Service employees;
 - (e) The impact that an action to advance an employee who has not served at the lower grade level for at least one (1) year may have on the agency's salary structure; or
 - (f) Hardship, inequity, or especially meritorious cases.

Sections 3807.4 and 3807.5 are renumbered as 3807.5 and 3807.6, respectively:

- 3807.5 An employee's salary history (i.e., previous higher salary) shall not automatically be considered as the determining factor in the employee's

promotion under the circumstances and criteria described in section 3807.4 of this section; however, it may be considered along with the criteria listed in that section.

- 3807.6 An employee promoted under the circumstances described in section 3807.4 of this section may be advanced more than two (2) grade levels at a time.

A non-substantive change is made to section 3808.3:

- 3808.3 The following employees shall be referred to selecting officials in subordinate agencies along with other qualified candidates, for interview by management and special consideration for placement and advancement for Management Supervisory Service positions they apply for; provided that no person referred for such special consideration shall be selected ahead of a candidate claiming the residency preference pursuant to section 957 of the CMPA (D.C. Official Code § 1-609.57), if any:

- (a) Graduates of the District government's Certified Public Manager Program; and
- (b) Persons appointed as Capital City Fellows.

Section 3809 is amended as follows:

3809 PLACEMENT BY REASSIGNMENT OR DEMOTION

Sections 3809.1 through 3809.3 are amended to read as follows:

- 3809.1 A personnel authority may fill a vacancy within the Management Supervisory Service by reassignment of a Management Supervisory Service employee to another position of the same grade and salary, either competitively or non-competitively, as provided in this section.
- 3809.2 When, as a result of attrition, reductions in force, reorganizations, or approved realignments within an agency, a Management Supervisory Service employee ceases to perform managerial or supervisory functions or duties, the employing agency may reassign or demote the employee to a vacant Management Supervisory Service position within the agency for which he or she qualifies; provided that there is no reduction in the benefits of the employee, and the position has no greater promotion potential than the position previously held.
- 3809.3 An agency may determine that it is necessary to reassign or demote a Management Supervisory Service employee to a vacant Management Supervisory Service position within the agency for which he or she qualifies, for reasons other than those listed in section 3809.2 of this section. In such

cases the reassignment or demotion may be effected; provided that the position has no greater promotion potential than the position previously held.

- 3809.4 A time-limited reassignment may be made for a period not to exceed one (1) year.
- 3809.5 A time-limited reassignment exceeding one hundred twenty (120) days to a position with established promotion potential higher than the currently held position will be effected competitively.
- 3809.6 Any reassignment or demotion under the circumstances described in sections 3809.2 and 3809.3 of this section shall be effected non-competitively.
- 3809.7 An employee may voluntarily accept a reassignment or demotion pursuant to sections 3809.2 or 3809.3 of this section, or be terminated as specified in section 3813 of this chapter.

A new section 3809.8 is added to read as follows:

- 3809.8 In addition to a reassignment or demotion within the employing agency as specified in sections 3809.2 and 3809.3 of this section, a Management Supervisory Service employee may be reassigned or demoted non-competitively to a vacant Management Supervisory Service position from one subordinate agency to another subordinate agency; provided that all of the following criteria are met:
- (a) The two (2) subordinate agencies involved mutually agree with the reassignment or demotion action;
 - (b) There is no reduction in the benefits of the employee;
 - (c) The position being reassigned or demoted to has no greater promotion potential than the position previously held; and
 - (d) The Management Supervisory Service employee qualifies for the position being reassigned or demoted to.

A non-substantive change is made to section 3810.1:

- 3810.1 In accordance with section 955 of the CMPA (D.C. Official Code § 1-609.55), each employee appointed to the Management Supervisory Service will be required to maintain and enhance his or her management and supervisory skills through mandatory training courses every year, as prescribed by the personnel authority.

A non-substantive change is made to section 3812.1:

3812.1 The residency preference provisions of section 801(e) (1), (2), (3), (5), (6), and (7) of the CMPA (D.C. Official Code § 1-608.01(e) (1), (2), (3), (5), (6), and (7)), as amended, and Chapter 3 of these regulations, shall apply to employment in the Management Supervisory Service.

A non-substantive change is made to section 3813.3:

3813.3 In accordance with section 954 of the CMPA (D.C. Official Code § 1-609.54 (b)), an employee in the Management Supervisory Service shall be entitled to severance pay upon termination for non-disciplinary reasons.

Section 1199 is amended to add the definition of the term “demotion;” make a non-substantive change to the definition of the terms “personnel authority” and “reassignment;” and add the definition of the term “transfer:”

Demotion – the change of an employee to a lower grade, or to a position with a lower rate of pay, when both the old and new positions are under the same pay schedule or in different pay schedules.

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in section 401 of the CMPA (D.C. Official Code § 1-604.01 *et seq.*).

Reassignment – the change of an employee from one position to another position with the same (exact) representative rate without promotion or demotion.

Transfer – a change, without a break in service of a full workday, of a Management Supervisory Service (MSS) employee to another MSS position without promotion or demotion, and under a different personnel authority.

Comments on these proposed regulations should be submitted, in writing, to Ms. Brender L. Gregory, Director, D.C. Department of Human Resources, 441 4th Street, NW, Suite 300 South, Washington, D.C. 20001, within thirty (30) days of the date of the publication of this notice. Additional copies of these proposed rules are available from the above address.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD
NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the proposal of amendments to Chapters 5 and 9 of Title 30 DCMR, "Lottery and Charitable Games." These amendments are necessary to introduce the District Dollars Raffle Game that will start on November 18, 2009. The Executive Director gives notice of his intent to take final rulemaking action to adopt the amendments in no less than thirty (30) days from the date of publication of this notice in the D.C. Register.

AMEND CHAPTER 5. "LOTTERY TICKET"

Amend subsection 503.4 by substituting the following:

503.4 A ticket for POWERBALL®, Hot Lotto™, DC Daily 6™, Rolling Cash 5™, and all On-Line Raffle Tickets shall not be voided or cancelled.

AMEND CHAPTER 9. "DESCRIPTION OF ON-LINE GAMES"

Amend Chapter 9 by deleting sections 915 and 916 in their entirety and replacing with the following:

915. DESCRIPTION OF ON-LINE RAFFLE GAME

- 915.1 The Agency may offer On-Line Raffle Games.
- 915.2 The Agency's raffle game shall be called District Dollars Raffle Game.
- 915.3 District Dollars Raffle Game rules only apply to the Agency's on-line raffle games and not to the Charitable Gaming Raffle rules referred to in Title 30, Chapter 15 of the D.C. Municipal Rules and Regulations.
- 915.4 District Dollars Raffle Game is an On-Line Raffle style game played at any agent location that has an on-line terminal. On-Line Raffle tickets are sold in limited quantities, for a specified limited time.

- 915.5 Each raffle ticket contains a unique serial number or numbers from a specified range. A player purchases the raffle ticket for a chance to win prizes through a random drawing of all purchased raffle tickets.
- 915.6 Agency shall offer 40,000 on-line raffle tickets for the District Dollars Raffle Game.
- 915.7 Raffle tickets will be sold from Wednesday, November 18, 2009 through Tuesday, November 24, 2009 at 12:59 a.m. Tickets for the next weekly drawing will start on Wednesday at 6:00 a.m.
- 915.8 The cost of one (1) District Dollars Raffle Game ticket shall be (\$1.00) one dollars each or any other price designated by the Executive Director from a price schedule adopted by the Agency.
- 915.9 The player must inform the agent that they want to play the D.C Weekly Raffle Game. There are no play slips or quick pick selections for the District Dollars Raffle Game.
- 915.10 Each District Dollars Raffle Game ticket shall contain a five (5) digit number from tickets from 00001 through 40,000 and shall be sold sequentially from the available selection pool. Players purchasing more than one (1) ticket may not receive consecutively numbered tickets because of availability at the time of purchase.
- 915.11 The winning ticket numbers will be determined through a drawing that will be conducted with the Agency's Computerized Drawing System ("CDS"). Such winning ticket numbers shall be selected in accordance with Lottery draw procedures.
- 915.12 The order of the ticket numbers drawn by the CDS at the drawing determines the prize level eligibility. The first (1st) ticket number drawn shall be the winner of the first (1st) prize of \$10,000 dollars. The next five (5) tickets numbers drawn shall be the winners of the (2nd) prize of \$1,000 each. And the next ten (10) ticket numbers drawn shall be the winners of the (3rd) prize of \$500 each.
- 915.13 A player wins if the raffle ticket number drawn matches their raffle ticket number exactly and the ticket validates in the D.C. Lottery system. There shall be no alternates drawn for this game.
- 915.14 Unless otherwise specified by the Executive Director, the sale of the District Dollars Raffle Game tickets will be suspended when the 40,000 ticket is sold, or on the Wednesday at 12:59 a.m. of the day of the District Dollars Raffle Game weekly drawing.

- 915.15 The Agency reserves the right to reschedule any dates and times, without advance notice, when circumstances warrant. It is anticipated that raffle tickets will begin being sold on November 18, 2009 and the first drawing will take place on Wednesday, November 25, 2009, and each week thereafter for a total of six (6) weeks. However the District Dollars Raffle Game may begin or end as directed by the Executive Director.
- 915.16 The player is solely responsible for ensuring that he or she receives a raffle ticket after purchase. The printed District Dollars Raffle Game ticket is the only valid proof of a player's purchase and is the only valid receipt for claiming a prize. A ticket subject to the validations requirements of this title shall be the only proof of a wager.
- 915.17 A player whose ticket does not print as a result of a paper jam or other error cannot receive a reprint of that ticket. The full value of the ticket purchase price must be refunded to the player. The agent must properly document and report the event along with the appropriate paper work to receive credit.

916 DISTRICT DOLLARS RAFFLE GAME PRIZE POOL, PRIZE STRUCTURE AND PROBABILITY OF WINNING

- 916.1 The District Dollars Raffle Game will offer a total of sixteen (16) prizes.
- 916.2 The prize pool for all prize categories shall consist of fifty percent (50%) of each drawing period sales based on a sale of 40,000 tickets.
- 916.3 The District Dollars Raffle Game is a weekly raffle game with fixed payout for the prizes which pays prizes based on a sale of 40,000 tickets at (\$1.00) one dollars each are as follows:

<u>Number of Winners Per 40,000 Tickets</u>	<u>Win</u>
1	\$10,000
5	\$1,000
10	\$500

- 916.4 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon selling all 40,000 weekly raffle tickets.

Set Prize Amount	Number of Prizes	Overall Odds	Amount Paid	Percentage Of Sales	Percentage Of Payout
\$10,000	1	1:40,0000	\$10,000	25%	25%
\$1,000	5	1:8,0000	\$5,000	10%	12.5%
\$500	10	1:4,000	\$5,000	15%	12.5%
Total	16	1:2,500	\$20,000	50%	50%

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days from the date of publication of this notice in the Register. Comments should be filed with the Executive Director, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020. Copies of these proposed rules may be obtained at the address stated above.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 09-09

(Text Amendment – 11 DCMR)

**(Forest City SEFC LLC –Text Amendment –Trapeze School Use in Southeast Federal
Center Overlay District, Parcel “O”)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1804 and 3202 of the Zoning Regulations (Title 11 DCMR).

The proposed amendment would allow a trapeze school and performing arts facility within Parcel “O” within the Southeast Federal Center Overlay District established by Chapter 18 of the Zoning Regulations, DCMR Title 11. The text amendment would permit the trapeze school use as a matter of right until December 31, 2014 and would require no parking during this period. Any continuation of the use after that date would require special exception approval by the Zoning Commission, which will also establish such parking requirements for this use as it considers necessary. Lastly, because Parcel O has not yet been subdivided, the text amendment would add an exception to the portion of the lot control regulations that requires the existence of a record lot as a prerequisite to the issuance of a building permit.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed

A. Chapter 16, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, Section 1804, SEFC/R-5-D and R-5-E Zoning Districts, is amended as follows:

1. By amending § 1804.2 (e) to read as follows:

1804.2 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title:

(e) School, private, public, or trade; except as provided in § 1804.7.

2. By adding new §§ 1804.07 and 1804.8 to read as follows:

1804.7 Notwithstanding § 1804.2 (e), a trapeze school and aerial performing arts center may be established and continued as a matter of right in Parcel O until December 31, 2014, during which time no parking shall be required.

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 09-09

PAGE 2

1804.8 The continuation of the trapeze school and aerial performing arts center use after December 31, 2014 shall require special exception approval by the Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title, and shall include a determination as to whether and what amount of parking should be required.

B. Chapter 32. ADMINISTRATION AND ENFORCEMENT, subsection 3202.5, is amended as follows:

1. The first sentence is amended by striking the phrase “; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia”.
2. The second sentence is amended to read as follows:

Notwithstanding the foregoing, a building permit may be issued for:

- (a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia:
- (b) A boathouse, yacht club, or marina to be constructed on a lot that is not a lot of record, provided that such lot fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0; or
- (c) The trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.